

AO 91 (Rev. 11/11) Criminal Complaint

AUSA: Andrew Picek  
Special Agent: Matthew Rummel, ATFTelephone: (313) 226-9652  
Telephone: (313) 402-3962UNITED STATES DISTRICT COURT  
for the  
Eastern District of Michigan

ORIGINAL

United States of America  
v.  
Andre KinardCase: 2:20-mj-30023  
Judge: Unassigned,  
Filed: 01-17-2020 At 10:26 AM  
IN RE: SEALED MATTER (CMP)(CMC)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 7, 2020 in the county of Macomb in the  
Eastern District of Michigan, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 922(g)(1)	Felon in possession of a firearm
21 U.S.C. § 841(a)(1)	Possession with intent to distribute a Schedule I controlled substance
21 U.S.C. § 924(c)	Possession of a firearm in furtherance of a drug trafficking crime

This criminal complaint is based on these facts:

See Attached Affidavit

☐ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: 01/17/2020City and state: Detroit, MI

Complainant's signature

Matthew Rummel, Special Agent, ATF

Printed name and title



Judge's signature

Hon. R. Steven Whalen, United States Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR  
A CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Matthew Rummel, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND BACKGROUND**

1. I am a Special Agent with the U.S. Department of Justice - Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and have been so since September 2014. I am currently assigned to Detroit Field Division. Prior to joining the ATF, I was employed, for approximately eight years, as a State Parole Agent with the Michigan Department of Corrections. During that time, for approximately four years, I was assigned to a multi-jurisdictional task force made up of federal, state, and local law enforcement agencies. I have participated in numerous investigations involving firearms, narcotics trafficking by armed individuals, fraud, robberies, assaults, homicides, and criminal street gangs. I have been the affiant on numerous federal search warrants and federal criminal complaints. I have a Bachelor's degree in criminal justice, and I am a graduate of the Federal Law Enforcement Training Center Criminal Investigator School and ATF's Special Agent Basic Training school.

2. I submit this affidavit in support of a criminal complaint charging that, on or about January 7, 2020, within the Eastern District of Michigan, Andre

KINARD, DOB XX/XX/1989, an individual having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess a firearm that had previously traveled in interstate and foreign commerce, in violation of Title 18, United States Code, Section 922(g)(1). Also on or about January 7, 2020, in the Eastern District of Michigan, KINARD intentionally possessed with intent to distribute a mixture and substance containing a detectable amount of heroin, a schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1). Lastly, on or about January 7, 2020, in the Eastern District of Michigan, KINARD knowingly possessed a firearm, that is one Smith & Wesson, SD40VE, .40 caliber pistol, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States; in violation of Title 18, United States Code, Section 924(c).

3. This affidavit is based upon information I have gained from my investigation, my training and experience, and from information provided by law enforcement officers and others who have personal knowledge of the events and circumstances described herein. The information set forth in this affidavit is in support of a complaint and arrest warrant and is for the limited purpose of establishing probable cause; this affidavit, therefore, does not include all the information collected during this investigation and about which I am aware.

**PROBABLE CAUSE**

4. ATF, along with local law enforcement partners, is conducting a criminal investigation concerning the “Head Niggas in Charge” (HNIC) street gang for suspected federal racketeering, firearm, fraud, and narcotics trafficking offenses.

5. Based on its investigation to date, ATF has determined that Andre KINARD, aka “DRE DRE,” is a prominent and longstanding member of HNIC. In social media posts, KINARD is consistently seen with known HNIC members and associates, firearms, suspected narcotics, scales, packaging, large amounts of U.S. currency and wearing a chain necklace bearing the gang’s name of “HNIC”.

6. On or about January 7, 2020, Warren Police Officer D. Gifford was on routine patrol when he encountered a 2019 Ford Fusion with an Ohio license plate. The vehicle was observed violating numerous traffic laws, to include changing lanes without signaling and unsafely following too close to the vehicle in front. A traffic stop was conducted and contact was made with the driver, subsequently identified as Andre KINARD, and the front seat passenger, subsequently identified as Akeem BRYANT. KINARD stated that BRYANT had been sleeping and that they were traveling from Detroit to the City of Centerline. During the traffic stop, KINARD’s hands appeared to be shaking; he was breathing rapidly and appeared nervous. KINARD frantically began to open the center console, glove box and reach around the vehicle in an attempt to find his

identification and vehicle paperwork. While waiting, Officer Gifford observed a silver handgun in the driver side door and asked both KINARD and BRYANT if they had a Concealed Pistol License (CPL), both looked at each other and stated “no”. Officer Gifford gave verbal commands for both occupants to show their hands and waited for back up.

7. Upon arrival of additional units, both occupants were removed out of the vehicle and placed under arrest.

8. Upon searching KINARD, Officer Gifford located a hard circular object in KINARD’s sweatshirt front pocket, underneath his coat. Upon removing the object, it was observed to be wrapped in duct tape. KINARD denied knowledge of what the object was and stated he had “put on someone else’s hoodie. Due to the size, structure, wrapping and KINARD’s denial of knowing what the item was, it was believed to be narcotics. Upon further investigation, Officers recovered a large, gray, hard, substance consistent with heroin - wrapped in a dryer sheet and duct tape. Warren Police Detective D. Huffman described the item as a compressed substance that appeared to be chipped off a larger block. The substance was subsequently weighed (51.3 grams) and field-tested positive for heroin.

9. An Evidence technician took photos of KINARD’s impounded vehicle. In the driver’s side door was a black and silver handgun, later identified as a Smith & Wesson, SD40VE, .40 caliber, bearing serial number FWK2088,

loaded with twelve live rounds in the magazine and one in the chamber. Also recovered were four cell phones.

10. I have consulted with ATF Special Agent (S/A) Michael Bolf, an interstate firearms nexus authority. S/A Bolf has determined that the firearm was manufactured outside the state of Michigan and has therefore previously traveled in interstate commerce.

11. I have queried the computerized criminal history for Andre KINARD and consulted with the Michigan Department of Corrections (MDOC), which revealed he was convicted in 2012 of a felony. Specifically, he was convicted of Controlled Substance, in violation of Mich. Comp. Laws §§ 333.74032D3, an offense punishable by imprisonment for a term exceeding one year, in Michigan's Third Circuit Court (Case No. 12004622-01FH). He is therefore prohibited by law from possessing a firearm that has traveled in interstate or foreign commerce.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

12. Based on the above, I respectfully submit there is probable cause to find that, in or around January 2020, within the Eastern District of Michigan, Andre KINARD, after having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess a firearm that had previously traveled in interstate and foreign commerce, in violation of Title 18, United States Code, Section 922(g)(1); possessed with the intent to distribute a mixture and substance containing a detectable amount of heroin, a schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1); and knowingly possessed a firearm, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States; in violation of Title 18, United States Code, Section 924(c).

Respectfully submitted,



Matthew Rummel, Special Agent  
Bureau of Alcohol, Tobacco, Firearms  
and Explosives

Sworn to before me and signed in my presence  
on this 17th day of January, 2020.



R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE